

The Honorable Judge David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GABRIELLA SULLIVAN; RAINIER ARMS,
LLC; SECOND AMENDMENT
FOUNDATION; and FIREARMS POLICY
COALITION, INC.,

Plaintiffs,

v.

BOB FERGUSON, in his official capacity as
Washington State Attorney General; JOHN R.
BATISTE, in his official capacity as Chief of the
Washington State Patrol; PATTI COLE-
TINDALL, in her official capacity as Interim
Sheriff for King County, Washington; JOHN
GESE, in his official capacity as Sheriff for
Kitsap County, Washington; RICK SCOTT, in
his official capacity as Sheriff for Grays Harbor
County, Washington; DAN SATTERBERG, in
his official capacity as County Prosecutor for
King County, Washington; CHAD M.
ENRIGHT, in his official capacity as County
Prosecutor for Kitsap County, Washington; and
NORMA TILLOTSON, in her official capacity as
County Prosecutor for Grays Harbor County,
Washington,

Defendants.

No. 3:22-cv-5403-DGE

ANSWER OF KING COUNTY
SHERIFF PATTI COLE-TINDALL
AND KING COUNTY
PROSECUTING ATTORNEY DAN
SATTERBERG TO FIRST
AMENDED COMPLAINT

COMES NOW Defendants Patti Cole-Tindall, Sheriff for King County and Dan

Satterberg, King County Prosecuting Attorney, in their respective official capacities (hereinafter

“King County Defendants”), to answer Plaintiffs’ First Amended Complaint for Declaratory and

Injunctive Relief (“Complaint”). In answer to Plaintiffs’ Complaint, King County Defendants

1 admit, deny, and allege as set forth below. Each allegation contained in Plaintiffs' Complaint not
 2 expressly admitted in full below is denied. The paragraph numbers below correspond to the
 3 paragraph numbers in Plaintiffs' Complaint.

4 **I. Introduction**

5 **1.** In answering paragraph 1 and the preceding paragraph of Plaintiffs' Complaint, King
 6 County Defendants make no response as the allegations appear to contain only a characterization
 7 of Plaintiff's case and legal conclusions for which no response is required. To the extent they
 8 may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 1
 9 and the preceding paragraph.

10 **2.** In answering paragraph 2 of Plaintiffs' Complaint, King County Defendants make no
 11 response as the allegations appear to contain only legal conclusions for which no response is
 12 required. To the extent they may be deemed allegations of fact, King County Defendants deny
 13 the allegations of paragraph 2.

14 **3.** In answering paragraph 3 of Plaintiffs' Complaint, King County Defendants deny.

15 **4.** In answering paragraph 4 of Plaintiffs' Complaint, King County Defendants make no
 16 response as the allegations appear to contain only legal conclusions for which no response is
 17 required. To the extent they may be deemed allegations of fact, King County Defendants deny
 18 the allegations of paragraph 4

19 **5.** In answering paragraph 5 of Plaintiffs' Complaint, King County Defendants make no
 20 response as the allegations appear to contain only legal conclusions for which no response is
 21 required. To the extent they may be deemed allegations of fact, King County Defendants deny
 22 the allegations of paragraph 5.
 23

7. In answering paragraph 7 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required. To the extent they may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 7.

8. In answering paragraph 8 of Plaintiffs' Complaint, King County Defendants leave the matters of jurisdiction and venue to the Court.

10. In answering paragraph 10 of Plaintiffs' Complaint, King County Defendants leave the matters of jurisdiction and venue to the Court.

11. In answering paragraph 11 of Plaintiffs' Complaint, King County Defendants are without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

1 **12.** In answering paragraph 12 of Plaintiffs' Complaint, King County Defendants are
2 without sufficient information to form a belief as to the truth or falsity of the allegations
3 contained therein and, therefore, deny the same.

4 **13.** In answering paragraph 13 of Plaintiffs' Complaint, King County Defendants are
5 without sufficient information to form a belief as to the truth or falsity of the allegations
6 contained therein and, therefore, deny the same.

7 **14.** In answering paragraph 14 of Plaintiffs' Complaint, King County Defendants are
8 without sufficient information to form a belief as to the truth or falsity of the allegations
9 contained therein and, therefore, deny the same.

10 **15.** In answering paragraph 15 of Plaintiffs' Complaint, King County Defendants are
11 without sufficient information to form a belief as to the truth or falsity of the allegations
12 contained therein and, therefore, deny the same.

13 **16.** In answering paragraph 16 of Plaintiffs' Complaint, King County Defendants make
14 no response to these allegations as they pertain to another defendant. King County Defendants
15 admit that RCW 43.10.030 speaks for itself.

16 **17.** In answering paragraph 17 of Plaintiffs' Complaint, King County Defendants make
17 no response to these allegations as they pertain to another defendant. King County Defendants
18 admit that RCW 43.43.030 speaks for itself.

19 **18.** In answering paragraph 18 of Plaintiffs' Complaint, King County Defendants admit
20 that Patty Cole-Tindall's appointment as the chief officer of the King County Department of
21 Public Safety and King County Sheriff was confirmed on May 24, 2022. King County
22 Defendants admit that RCW 36.28.010 speaks for itself. King County Defendants deny any
23 additional allegations.

19. In answering paragraph 19 of Plaintiffs’ Complaint, King County Defendants make no response to these allegations as they pertain to another defendant. King County Defendants admit that RCW 36.28.010 speaks for itself.

20. In answering paragraph 20 of Plaintiffs’ Complaint, King County Defendants make no response to these allegations as they pertain to another defendant. King County Defendants admit that RCW 36.28.010 speaks for itself.

21. In answering paragraph 21 of Plaintiffs’ Complaint, King County Defendants admit that Dan Satterberg is the elected Prosecuting Attorney of King County. King County Defendants admit that RCW 36.27.020 speaks for itself. King County Defendants deny any additional allegations.

22. In answering paragraph 22 of Plaintiffs' Complaint, King County Defendants make no response to these allegations as they pertain to another defendant. King County Defendants admit that RCW 36.27.020 speaks for itself.

23. In answering paragraph 23 of Plaintiffs' Complaint, King County Defendants make no response to these allegations as they pertain to another defendant. King County Defendants admit that RCW 36.27.020 speaks for itself.

FACTUAL ALLEGATIONS

I. Washington's Ban on Standard Capacity Magazines.

24. In answering paragraph 24 of Plaintiffs’ Complaint, King County Defendants admit that Engrossed Substitute Senate Bill 5078 was signed by Washington Governor Jay Inslee on March 23, 2022. King County Defendants admit that RCW 9.41.010 and 9.41.370 speak for themselves.

1 **25.** In answering paragraph 25 of Plaintiffs' Complaint, King County Defendants admit
 2 only that RCW 9.41.010 and RCW 9.41.380 speaks for themselves. King County Defendants
 3 deny all additional allegations.

4 **26.** In answering paragraph 26 of Plaintiffs' Complaint, King County Defendants admit
 5 only that RCW 9.41.010 and RCW 9.41.370 speak for themselves. King County Defendants
 6 deny all additional allegations.

7 **27.** In answering paragraph 27 of Plaintiffs' Complaint, King County Defendants admit
 8 only that RCW 9.41.010 and RCW 9.41.370 speak for themselves.

9 **28.** In answering paragraph 28 of Plaintiffs' Complaint, King County Defendants admit
 10 only that RCW 9.41.370 and 9A.20.021 speak for themselves.

11 **29.** In answering paragraph 29 of Plaintiffs' Complaint, King County Defendants admit
 12 that Engrossed Substitute Senate Bill 5078, passed as Washington Laws of 2022, chapter 104,
 13 amending RCW 9A.41.010 and enacting RCW 9A.41.370 took effect July 1, 2022.

14 **II. Washington Has Criminalized a Common and Important Means of Self-Defense.**

15 **30.** In answering paragraph 30 of Plaintiffs' Complaint, King County Defendants are
 16 without sufficient information to form a belief as to the truth or falsity of the allegations
 17 contained therein and, therefore, deny the same.

18 **31.** In answering paragraph 31 of Plaintiffs' Complaint, King County Defendants are
 19 without sufficient information to form a belief as to the truth or falsity of the allegations
 20 contained therein and, therefore, deny the same.

21 **32.** In answering paragraph 32 of Plaintiffs' Complaint, King County Defendants are
 22 without sufficient information to form a belief as to the truth or falsity of the allegations
 23 contained therein and, therefore, deny the same.

1 **33.** In answering paragraph 33 of Plaintiffs' Complaint, King County Defendants are
2 without sufficient information to form a belief as to the truth or falsity of the allegations
3 contained therein and, therefore, deny the same.

4 **34.** In answering paragraph 34 of Plaintiffs' Complaint, King County Defendants are
5 without sufficient information to form a belief as to the truth or falsity of the allegations
6 contained therein and, therefore, deny the same.

7 **35.** In answering paragraph 35 of Plaintiffs' Complaint, King County Defendants are
8 without sufficient information to form a belief as to the truth or falsity of the allegations
9 contained therein and, therefore, deny the same.

10 **36.** In answering paragraph 36 of Plaintiffs' Complaint, King County Defendants are
11 without sufficient information to form a belief as to the truth or falsity of the allegations
12 contained therein and, therefore, deny the same.

13 **37.** In answering paragraph 37 of Plaintiffs' Complaint, King County Defendants are
14 without sufficient information to form a belief as to the truth or falsity of the allegations
15 contained therein and, therefore, deny the same.

16 **38.** In answering paragraph 38 of Plaintiffs' Complaint, King County Defendants are
17 without sufficient information to form a belief as to the truth or falsity of the allegations
18 contained therein and, therefore, deny the same.

19 **39.** In answering paragraph 39 of Plaintiffs' Complaint, King County Defendants are
20 without sufficient information to form a belief as to the truth or falsity of the allegations
21 contained therein and, therefore, deny the same.
22
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1 **40.** In answering paragraph 40 of Plaintiffs' Complaint, King County Defendants are
2 without sufficient information to form a belief as to the truth or falsity of the allegations
3 contained therein and, therefore, deny the same.

4 **41.** In answering paragraph 41 of Plaintiffs' Complaint, King County Defendants are
5 without sufficient information to form a belief as to the truth or falsity of the allegations
6 contained therein and, therefore, deny the same.

7 **42.** In answering paragraph 42 of Plaintiffs' Complaint, King County are without
8 sufficient information to form a belief as to the truth or falsity of the allegations contained
9 therein and, therefore, deny the same.

10 **43.** In answering paragraph 43 of Plaintiffs' Complaint, King County Defendants are
11 without sufficient information to form a belief as to the truth or falsity of the allegations
12 contained therein and, therefore, deny the same.

13 **44.** In answering paragraph 44 of Plaintiffs' Complaint, King County Defendants are
14 without sufficient information to form a belief as to the truth or falsity of the remaining
15 allegations contained therein and, therefore, deny the same.

16 **45.** In answering paragraph 45 of Plaintiffs' Complaint, King County Defendants are
17 without sufficient information to form a belief as to the truth or falsity of the allegations
18 contained therein and, therefore, deny the same.

19 **46.** In answering paragraph 46 of Plaintiffs' Complaint, King County Defendants are
20 without sufficient information to form a belief as to the truth or falsity of the allegations
21 contained therein and, therefore, deny the same.
22
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1 **47.** In answering paragraph 47 of Plaintiffs' Complaint, King County Defendants are
 2 without sufficient information to form a belief as to the truth or falsity of the allegations
 3 contained therein and, therefore, deny the same.

4 **48.** In answering paragraph 48 of Plaintiffs' Complaint, King County Defendants deny
 5 that large capacity magazines as defined by RCW 9.41.010(36) (effective July 1, 2022) are
 6 protected by the Second Amendment's guarantee of the individual right to armed self-defense.
 7 King County Defendants are without sufficient information to form a belief as to the truth or
 8 falsity of the remaining allegations contained therein and, therefore, deny the same.

9 **49.** In answering paragraph 49 of Plaintiffs' Complaint, King County Defendants deny.

10 **50.** In answering paragraph 50 of Plaintiffs' Complaint, King County Defendants make
 11 no response to these allegations as they pertain to another defendant.

12 **51.** In answering paragraph 51 of Plaintiffs' Complaint, King County Defendants admit
 13 only that *Hecox v. Little*, 479 F. Supp. 3d 930, 367 (D. Idaho 2020) and *Virginia v. Am.*
 14 *Booksellers Ass'n, Inc.*, 484 U.S. 383, 393 (1988) speak for themselves, but King County
 15 Defendants make no response as the allegations appear to contain only legal conclusions for
 16 which no response is required.

17 **STATEMENT OF FACTS RELATING TO GABRIELLA SULLIVAN**

18 **52.** In answering paragraph 52 of Plaintiffs' Complaint, King County Defendants
 19 incorporate all responses and denials as set forth in the previous paragraphs of this answer.

20 **53.** In answering paragraph 53 of Plaintiffs' Complaint, King County Defendants are
 21 without sufficient information to form a belief as to the truth or falsity of the allegations
 22 contained therein and, therefore, deny the same.
 23

1 **54.** In answering paragraph 54 of Plaintiffs' Complaint, King County Defendants are
2 without sufficient information to form a belief as to the truth or falsity of the allegations
3 contained therein and, therefore, deny the same.

4 **55.** In answering paragraph 55 of Plaintiffs' Complaint, King County Defendants are
5 without sufficient information to form a belief as to the truth or falsity of the allegations
6 contained therein and, therefore, deny the same.

7 **56.** In answering paragraph 56 of Plaintiffs' Complaint, King County Defendants are
8 without sufficient information to form a belief as to the truth or falsity of the allegations
9 contained therein and, therefore, deny the same.

10 **57.** In answering paragraph 57 of Plaintiffs' Complaint, King County Defendants are
11 without sufficient information to form a belief as to the truth or falsity of the allegations
12 contained therein and, therefore, deny the same.

13 **58.** In answering paragraph 58 of Plaintiffs' Complaint, King County Defendants are
14 without sufficient information to form a belief as to the truth or falsity of the allegations
15 contained therein and, therefore, deny the same.

16 **59.** In answering paragraph 59 of Plaintiffs' Complaint, King County Defendants are
17 without sufficient information to form a belief as to the truth or falsity of the allegations
18 contained therein and, therefore, deny the same.

19 **STATEMENT OF FACTS RELATING TO RAINIER ARMS, LLC**

20 **60.** In answering paragraph 60 of Plaintiffs' Complaint, King County Defendants
21 incorporate all responses and denials as set forth in the previous paragraphs of this answer.
22
23

1 **61.** In answering paragraph 61 of Plaintiffs' Complaint, King County Defendants are
2 without sufficient information to form a belief as to the truth or falsity of the allegations
3 contained therein and, therefore, deny the same.

4 **62.** In answering paragraph 62 of Plaintiffs' Complaint, King County Defendants are
5 without sufficient information to form a belief as to the truth or falsity of the allegations
6 contained therein and, therefore, deny the same.

7 **63.** In answering paragraph 63 of Plaintiffs' Complaint, King County Defendants are
8 without sufficient information to form a belief as to the truth or falsity of the allegations
9 contained therein and, therefore, deny the same.

10 **64.** In answering paragraph 64 of Plaintiffs' Complaint, King County Defendants are
11 without sufficient information to form a belief as to the truth or falsity of the allegations
12 contained therein and, therefore, deny the same.

13 **STATEMENT OF FACTS RELATING TO DANIEL MARTIN**

14 **65.** In answering paragraph 65 of Plaintiffs' Complaint, King County Defendants
15 incorporate all responses and denials as set forth in the previous paragraphs of this answer.

16 **66.** In answering paragraph 66 of Plaintiffs' Complaint, King County Defendants are
17 without sufficient information to form a belief as to the truth or falsity of the allegations
18 contained therein and, therefore, deny the same.

19 **67.** In answering paragraph 67 of Plaintiffs' Complaint, King County Defendants are
20 without sufficient information to form a belief as to the truth or falsity of the allegations
21 contained therein and, therefore, deny the same.
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69. In answering paragraph 69 of Plaintiffs' Complaint, King County Defendants are without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

70. In answering paragraph 70 of Plaintiffs' Complaint, King County Defendants are without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

71. In answering paragraph 71 of Plaintiffs' Complaint, King County Defendants are without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

72. In answering paragraph 72 of Plaintiffs' Complaint, King County Defendants are without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

The Act is Facially Unconstitutional Under the Second and

73. In Answering paragraph 73 of Plaintiffs' Complaint, King County Defendants incorporate all responses and denials as set forth in the previous paragraphs of this answer.

74. In answering paragraph 74 of Plaintiffs' Complaint, King County Defendants admit that the Second Amendment to the United States Constitution speaks for itself , but King County Defendants deny any allegations contrary to the language of that document.

75. In answering paragraph 75 of Plaintiffs' Complaint, King County Defendants admit.

76. In answering paragraph 76 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required.

77. In answering paragraph 77 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required. To the extent they may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 77.

78. In answering paragraph 78 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required. To the extent they may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 78.

79. In answering paragraph 79 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required. To the extent they may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 79.

80. In answering paragraph 80 of Plaintiffs' Complaint, King County Defendants make no response as the allegations appear to contain only legal conclusions for which no response is required. To the extent they may be deemed allegations of fact, King County Defendants deny the allegations of paragraph 80.

PRAYER FOR RELIEF

King County Defendants deny that Plaintiffs are entitled to any of the relief sought in their Complaint. King County Defendants further deny that Plaintiffs have any valid claim for relief

1 or that they are entitled to any of the relief sought by them in any portion of their Complaint. To
 2 the extent factual allegations are intended and/or legal conclusions contrary to applicable law are
 3 alleged, they are hereby denied.

4 BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSES, and without
 5 admitting anything previously denied, King County Defendants state as follows:

- 6 1. Plaintiffs have failed to state a claim upon which relief may be granted.
- 7 2. Plaintiffs' claims in the action are barred in that they do not have standing to bring
 8 them.
- 9 3. Plaintiffs' claims are not ripe.
- 10 4. The Complaint, and each cause of action therein, is improper as Plaintiffs have an
 11 adequate remedy of law.
- 12 5. To the extent that King County Defendants have undertaken conduct with regard to
 13 subjects and events underlying Plaintiffs' Complaint, such conduct was, at all times
 14 material thereto, undertaken in good faith and in reasonable reliance on existing law.
- 15 6. King County Defendants have immunity.
- 16 7. King County Defendants have not knowingly or intentionally waived any applicable
 17 affirmative defense. King County Defendants reserve the right to assert and rely
 18 upon other defenses as may become available to apparent during discovery
 19 proceedings or as may be raised or asserted by others in this case, and to amend the
 20 Answer and/or affirmative defenses accordingly
- 21 8. King County is not liable for pre-judgment interest because the State of Washington
 22 of which King County is a political subdivision, has not consented to pre-judgment
 23 interest. RCW 4.56.115.

WHEREFORE, King County Defendants pray as follows:

DATED this day 14th day of July, 2022.

Senior Deputy Prosecuting Attorneys
Attorneys for King County Defendants
1191 Second Avenue, Suite 1700
Seattle, WA 98101
Phone: (206) 296-0430/Fax: (206) 296-8819
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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 14th day of July, 2022.

s/ Kris Bridgman

KRIS BRIDGMAN

Paralegal – Litigation Section

King County Prosecuting Attorney's Office